Province of
Nova Scotia

FINAL REPORT
of the
TASK FORCE
ON CHILD ABUSE

LEGISLATIVE LIBRARY OF ONTARIO
TORONTO
JUL 17 1974
RECEIVED

PRESENTED TO
The Honourable H. M. Huskilson
MINISTER OF SOCIAL SERVICES

January 1974

CATALOGUED
JUL 17 1974

101-07079/

CONTENTS

		Page
1.	INTRODUCTION	1
2.	THE CENTRAL REGISTRY CONCEPT	1
3.	CHILDREN'S RIGHTS	4
4.	THE FAMILY COURT	6
5.	PERSONNEL POLICIES	7
6.	INTER-DISCIPLINARY APPROACHES	8
7.	MISCELLANEOUS CONSIDERATIONS	9
8.	CONCLUDING REMARKS	12
APPENDIX I	Terms of Reference	13
APPENDIX II	Review Schedule of Task Force	15

REPORT OF THE TASK FORCE ON CHILD ABUSE

1. INTRODUCTION

Commissioned on July 6, 1973, the Task Force was charged with determining the feasibility of implementing any or all of the recommendations of the report entitled, Child Abuse in Nova Scotia.[1] An interim report was submitted in September in order that full advantage could be taken of the legislative and budgetary processes; that report dealt with only a limited number of the original recommendations.

This final report incorporates the earlier document and gives hearing to all twenty-three recommendations as put forth by Messrs. Fraser, Anderson, and Burns.

2. THE CENTRAL REGISTRY CONCEPT

2.1. BACKGROUND

The Retrospective Study portion of the report revealed the extreme difficulties in attempting to determine the frequency and degree of child abuse[2] in this province. The report in question attributed this to inconsistent and non-related reporting procedures. The Task Force wishes to note that one factor often common to families involved in child abuse cases is the high degree of residential or physician or agency mobility.

. . . . .

1. The report Child Abuse in Nova Scotia was published in Halifax in June, 1973; this research project was directed by Professor F. Murray Fraser, Associate Dean, Faculty of Law, Dalhousie University; Dr. John P. Anderson, Director of Outpatient Services, the Izaak Walton Killam Hospital for Children and Assistant Professor of Pediatrics, Faculty of Medicine, Dalhousie University; and, Mr. Kevin Burns, Director of Family and Child Welfare, Province of Nova Scotia.

With no uniformity in recording intake histories and documenting the particular circumstances in each case, it becomes virtually impossible to establish a reliable data base to aid in preventive research.

2.2. MAIN RECOMMENDATIONS

The Task Force recommends that a Central Registry be established to which all instances of child abuse would be reported, consistent with Section 19A subsections 1 and 2 of the Child Welfare Act of the Province of Nova Scotia which includes mandatory reporting of a suspected child abuse case to a Children's Aid Society or the Director of Family and Child Welfare, Department of Social Services.

This concept consists of a central provincial registry operating out of the provincial Department of Social Services. The functions of this registry would be as follows:

2.2.1. To provide a focal point for receiving and correlating all instances of child abuse that are reported to any Children's Aid Society or the Director.

2.2.2. To provide a focal point for establishing a possible cross-reference between said instances and any past instances involving the same child, siblings of that child, parent, or quardian or any other individual charged with the care of that child. When such a cross-reference is established agents of the registry would contact the Society or Director and in turn the latter would proceed to work in conjunction with the reporting doctor, teacher, or whomever, and encourage their co-operation in taking the issue further. These procedures would be followed even

. . . . . .

2. Consistent with Part III of the Child Welfare Act, R.S.N.S. 1967, C.31, S.19(A) (1 &2), the Task Force defines child abuse as follows: The abandonment, desertion, physical ill-treatment or emotional deprivation of a child shall be termed child abuse.

in the instances where no cross-reference was found but would, by their nature, be approached with additional sensitivity.

2.2.3. To provide a basis whereby adequate follow-up on each and every instance would be ensured and co-ordinated. For example, a Social Worker involved in a reported instance would be obliged to submit a follow-up report to the Registry every three months for a predetermined length of time.

2.2.4. To provide the basis for research into the causes and prevention of child abuse. In the initial instance, this would entail the establishment of social indicators whereby data on cases would be gathered, correlated, and any forthcoming trends or indicators fully researched and investigated.

2.2.5. To provide staff support leading to increased public and professional awareness of the symptoms, causes, and results of the child abuse syndrome.

In order that the central registry may be established, it is recommended that $30,000 be provided in the 1974-1975 estimates which, it is estimated, would cover the costs of establishing the provincial registry and its Co-Ordinator; this individual would be qualified in social work and possess a research capability. It is further suggested that Departmental staff begin immediately to develop the necessary systems, forms, and reporting procedures that would be instituted in all child protection agencies which in turn would be linked to the provincial registry. The implementation of this function in the child protection agencies involves no additional fiscal expenditures as this recommendation requires merely a procedural change.

2.3. OTHER RECOMMENDATIONS

In support of the Central Registry, the Task Force reiterates con-

cerns expressed in the Child Abuse Report that the appropriate safeguards be developed to provide confidentiality of file information.

The central registry concept embraces not only the first recommendation of the Child Abuse Report, but also includes in whole or in part recommendations thirteen, fourteen, fifteen, sixteen, seventeen, twenty, twenty-one, and twenty-two. The Task Force supports these recommendations and suggests that for the most part, they would fall within the responsibilities of the Registry Co-Ordinator.

3. CHILDREN'S RIGHTS

In their second and third recommendations, the authors of the Child Abuse Report put forth the concepts of a Child's Advocate and a Bill of Rights for children. The Task Force has considered these matters at length and presents the following alternatives.

3.1. CHILD ADVOCACY - BACKGROUND

The Task Force agrees with the principle of child advocacy in that it supports that the rights of the child must be kept uncluttered from the often conflicting rights of the parent or guardian. The Task Force does not believe that this can be better obtained via a legally-oriented child advocacy system as presented in the report under study.

We support the principle that the existing institutions, primarily the Children's Aid Societies, are charged with the responsibility of upholding the rights of children; the rights of the child is the paramount consideration and the issue should not be treated such that it would allow for an arena for the bulwark of the parents' rights. These institutions have a long and active history of community involvement and support eminating primarily from their respective Boards of Directors.

This is their defined and accepted role; a separate, legally-oriented system would add another layer to the already complex process.[3]

. . . . . .

3. It is important to note that the philosophy of child advocacy is much broader than implied when relating it to child abuse cases. The Task Force's position on this matter is linked to our position on the Family Court and thus the reader is asked to refer to the Family Court Section.

3.2. CHILD ADVOCACY - RECOMMENDATIONS

3.2.1. It is recommended that the Department of Social Services undertake by whatever means are within its authority to strengthen the position and capability of these existing institutions. This position supports the Report's recommendation number twenty-three.

3.2.2. It is recommended that the Department of Social Services provide a sum of $10,000 for the fiscal year 1974-1975 for additional legal counsel. This sum, in addition to present allocations, would be applied to those isolated cases in which additional legal counsel should be provided for the Agency or Department who is acting on behalf of the child in cases of child abuse.

3.3. BILL OF RIGHTS - RECOMMENDATIONS

The Task Force supports the principle of a Bill of Rights for children but suggests that this can best be accomplished by means of a total revision of the Child Welfare Act. We recommend that this be considered an immediate priority and that the following steps be initiated:

3.3.1. That a Departmental team of three individuals be assigned this task and that the team consist of one judge of the Family Court, one Regional Administrator, and one Social Worker experienced in the field of child welfare.

3.3.2. That following a brief period during which all appropriate data from across Canada would be gathered, these individuals would be relieved of all other duties for a period of approximately sixty (60) days so that this undertaking may be swiftly accomplished.

3.3.3. That research and legal resources be made available when and as required by the team.

It is your committee's judgement that this undertaking is crucial and that such action would allow our province to made innovative advances in the field of child welfare legislation.

4. THE FAMILY COURT

4.1. BACKGROUND

The report's fifth and sixth recommendations deal directly with the Family Court; many others are related to its function and philosophy. Your committee believes this area to be the most complex and controversial we have been asked to examine. Lengthy deliberation leaves the Task Force undivided in its opinion that the court be strengthened and steps be taken to emphasize its unique status.

For the most part, the Statutes within its jurisdiction are not criminal or penal but are remedial. While it is true that child abuse cases represent only a small portion of the Family Court's activity, the nature of these cases is sufficiently important to warrant special attention.

The Family Court deals with individualized as opposed to patterned problems. The rights of the child within this setting must be paramount as the child is unable to defend himself and to reiterate an earlier remark, the format should not allow the setting to become an arena for the bulwark of the rights of parents.

In firm support of upholding the rights of the child, it is not suggested that we infringe upon the rights of the parent or guardian but rather we wish to emphasize that parents have certain basic responsibilities to their children. Guided by these philosophies, we strongly urge that the following steps be taken.

4.2. RECOMMENDATIONS

4.2.1. It is recommended that the present Rules of Procedure be reviewed in light of these philosophies and that the Family Court develop

uniform Rules of Evidence applicable to child welfare legislation; both must be undertaken with the conviction that all parties have the right to legal counsel.

4.2.2. It is recommended that steps be taken to establish within the Family Court system its own appeal division utilizing judges skilled in family law and that appeals be limited to those situations in which there exists a legal dispute.

4.2.3. It is recommended that emphasis be placed on maximizing the Family Court's support staff in the areas of corrective and rehabilitative action and that the Department conduct an in-depth examination in order to precisely determine these needs.

In conclusion, the committee recognizes the increasing national importance of the role of the Family Court as shown by the establishment of the Family Law Research Project under the Law Reform Commission of Canada. The increasing emphasis is toward having the Family Court responsible for all family matters, e.g. divorce and adoption. We believe that Nova Scotia can and should provide leadership toward this end.

5. PERSONNEL POLICIES

5.1. BACKGROUND

The Report on Child Abuse speaks to the area of personnel policies primarily in recommendations numbered eight and fifteen.

The Task Force has examined the question of the quality and turnover frequency of front line workers applicable to our subject. The resulting statistics are alarming. For example, staff of the Children's Aid Societies across the province has had a yearly turnover rate in excess of 25 percent in each of the last three years; most of this turnover has been clustered in Halifax.

What is perhaps more disheartening than the actual rate is that the majority of these individuals are the professionally trained workers; many front line workers are leaving to assume supervisory positions. The Task Force accepts that this phenomenon is not confined to the field of social services and yet we are of the opinion that the following suggestions should be considered as high priorities in alleviating the situation.

5.2. RECOMMENDATIONS

5.2.1. It is suggested that the Department of Social Services' staff training and development programs be expanded in both scope and frequency such that it will give proper attention to the child abuse syndrome.

5.2.2. It is recommended that via such methods as training, there be developed a core of workers in each region that are thoroughly conversant with the child abuse syndrome. This position supports the school of thought that, in a much broader context, in order to encourage some portion of the highly skilled and experienced workers to remain in front line positions, special position categories must be created. This results in a higher salary scale for said front line workers meeting a high standard. This principle encompasses a much broader functional area than is relevant to the report under study.

6. INTER-DISCIPLINARY APPROACHES

6.1. BACKGROUND

The Report on Child Abuse in Nova Scotia places emphasis on inter-disciplinary approaches in both preventive and curative proposals as expressed in recommendations numbered nine, ten, sixteen, and nineteen.

The Task Force supports both the philosophy and these specific recommendations and suggests that implementation can be accomplished or at least initiated via the Health, Education, and Social Services Committee of the provincial government (HESS) which is established for this and similar reasons.

6.2. RECOMMENDATIONS

6.2.1. It is recommended that the inter-disciplinary approach in detecting and treating abused children be specifically included as part of the Pilot Project on Service Delivery currently being developed by the HESS Committee. It is further suggested that the Regional Administrators of the Department of Social Services continue to expand their experimentation in this area.

6.2.2. It is recommended that formal submissions be made to the various institutions offering undergraduate, graduate and continuing educational courses in teaching, nursing, social work, and medicine with the aim of acquainting these professions more thoroughly with the child abuse syndrome.[4]

7. MISCELLANEOUS CONSIDERATIONS

The remaining recommendations do not easily fall within the above-mentioned categories or in some cases, they relate to more than one and, therefore, are examined independently. Many of the recommendations spoken to in this section have far-reaching implications beyond the limits of child abuse; for the most part the recommendations fall within the functional boundaries of the Departments of Public Health, Education and Social Services.

. . . . . .

4. It is anticipated that this endeavour along with those of educating the general public and supplying related support services to the HESS Committee would be performed from within the related sections of the Department of Social Services including the Co-Ordinator of the Central Registry.

7.1. ELIMINATION OF CORPORAL PUNISHMENT IN SCHOOLS

The Task Force neither supports nor refutes the worthiness of this recommendation, but wishes to state emphatically that it should not be considered within the context of child abuse.

7.2. EXTENSIVE DEVELOPMENT OF PREVENTIVE SERVICES

Your committee strongly supports the necessity of placing emphasis on preventive services but cautions said emphasis without the proper research and diagnosis of the problem. It is anticipated that the establishment of a Central Registry with its related research capacity will do much to fill this present void.

7.2.1. UNIVERSAL COMPREHENSIVE FAMILY LIFE PROGRAMS

The Task Force must agree with this recommendation, but advises that this complex area of concern cannot be developed in the short term. Such programs should be termed high priority over the long term. In the judgement of your Task Force, the positive implications of Family Life Education in the long term cannot be over-emphasized.

7.2.2. UNIVERSAL DAY CARE SERVICES FOR CHILDREN AND FAMILIES BASED ON NEED.

Your committee supports this recommendation as being a valid goal for the future; financial implications of such a program dictate that this validity be tested and retested before any confirmation is given.

7.2.3. CRISIS COUNSELLING

The Task Force agrees with the concept of this recommendation and notes that the Department of Social Services has always supported such volunteer agencies as are being suggested in recommendation number seven, part three. Continued and increased support should be encouraged in the future.

7.2.4. HOMEMAKER SERVICES

These services are now provided in a few areas of the province on a limited basis. It is the opinion of the Task Force that this concept and its preventive potential has not been adequately explored by either the provincial or municipal levels of government.

7.2.5. UNIVERSAL FAMILY PLANNING PROGRAMS

The relationship between unwanted, unplanned children and the incidence of child abuse has not been proven conclusively, yet the evidence is substantial enough to allow this point to add weight in favour of Family Planning Programs. Several Government Departments and private agencies have made a beginning in this area; the Task Force supports the position that these efforts should be greatly increased.

7.2.6. NEIGHBORHOOD COMMUNITY CENTRES

The establishment of such centres is neither warranted nor initiated on the basis of child abuse cases alone. This is not meant to suggest that such facilities are not warranted, but that need should be viewed in a much broader context.

7.3. LIMITED REMOVAL OF ABUSED CHILDREN FROM THEIR HOMES

The Committee does not accept this recommendation as being valid primarily as it has not been based on factual information. The issue at hand is much too complex to attempt to develop an operational policy based on limited data.

7.4. INCREASED SUPPORT FOR UNWED MOTHERS WHO KEEP THEIR CHILDREN

It is neither practical nor desirable for the Committee to disagree with this recommendation and thus we accept the concept. As no specific action has been suggested, our comments must be limited

to that of urging the appropriate divisions of the Department of Social Services to fully explore all the available alternatives.

7.5. THE HOSPITAL INSURANCE COMMISSION SHOULD NOT CHARGE FEES TO PARENTS OF ABUSED CHILDREN.

The Child Abuse Report supports the present policy of the Nova Scotia Hospital Insurance Commission whereby parents of children who abuse or may be the cause of maternal or emotional deprivation of their children are not charged for the costs incurred during the hospitalization and investigation of these problems. No comments are required of your Task Force on this the eighteenth recommendation.

8. CONCLUDING REMARKS

During the course of our deliberations, the Task Force has met with several concerned individuals and organizations who presented their ideas and philosophies as related to the report on Child Abuse in Nova Scotia. It is our belief that their interest as exhibited by their energetic participation is a valid reflection of public awareness and concern for this subject matter.

In this regard, the Task Force would like to express its gratitude to the following individuals and associations: Professor F. Murray Fraser; Dr. John P. Anderson; Mr. Kevin Burns; the Children's Aid Society of Ottawa; the Nova Scotia Teacher's Union; the Nova Scotia Family and Child Welfare Association; the Children and Youth Action Counsel; and, the Medical Society of Nova Scotia.

APPENDIX I

TERMS OF REFERENCE

FOR THE

TASK FORCE ON CHILD ABUSE

Appointed on July 6, 1973 by the Minister of Social Services for the Province of Nova Scotia, the Task Force was directed to review the report entitled Child Abuse in Nova Scotia for the following purposes:

A) To determine the feasibility of implementing any or all of the report's recommendations.

B) To outline initial implementation steps applicable to those recommendations supported by the Task Force.

These objectives were to be accomplished by the earliest possible date in order that full advantage could be taken of the legislative and budgetary processes. The Task Force was urged to involve those associations that represent the professions involved in the child abuse syndrome.

Assigned to this Task Force were the following individuals:

- Mr. Harvey MacArthur(Chairman), Executive Director of the Children's Aid Society of Colchester County, and District Supervisor (Colchester County) for the Department of Social Services, Province of Nova Scotia;
- Judge Louis B. Edwards, Judge of the Family Court for the Province of Nova Scotia;
- Dr. Peter Gordon, Professor and Head of the Department of Preventive Medicine, Dalhousie University;

- Dr. Horace Colford, Director, Child and Maternal Health, Department of Public Health, Province of Nova Scotia;
- Mr. Hugh A. Noble, Assistant Director, Consultant Services, Department of Education, Province of Nova Scotia;
- Miss Rosemary Rippon, Consultant, Family and Child Welfare, Department of Social Services, Province of Nova Scotia;
- Mr. Arthur Kyte, Executive Director of the Children's Aid Society of Cape Breton and Regional Administrator (Cape Breton Island), Department of Social Services, Province of Nova Scotia;
- Mr. Robert P. Moody, Assistant to the Administrator, Operations and Management Division, Department of Social Services, Province of Nova Scotia.

APPENDIX II

REVIEW SCHEDULE OF TASK FORCE

1. July 6, 1973 - Task Force was commissioned.

2. July 12, 1973 - First meeting of Task Force.

3. July 19, 1973 - The Nova Scotia Family and Child Welfare Association, the Medical Society of Nova Scotia, the Nova Scotia Barrister's Society, and the Nova Scotia Teacher's Union were requested to submit briefs.

4. August 13, 1973 - Second meeting of the Task Force.

5. August 21, 1973 - Third Meeting of the Task Force; this meeting included discussions with the authors of the report and the receiving of briefs from C.A.Y.A.C., Nova Scotia Teacher's Union, and the Family and Child Welfare Association.

6. August 30, 1973 - Fourth meeting of Task Force; brief received from the Medical Society of Nova Scotia.

7. September 9, 10, 1973 - Representatives of the Task Force travelled to Ottawa to research the Central Registry concept as being operated by the Children's Aid Society of Ottawa.

8. September 18, 1973 - Fifth meeting of Task Force; the recent visit to the C.A.S. of Ottawa and their version of a central registry was discussed.

9. October 2, 1973 - Presentation of Interim Report to Honorable Harold Huskilson, Minister of Social Services.

10. November 23, 1973- Seventh meeting of Task Force; the first draft of the final report was reviewed at this time.

11. December 6, 1973 - The Task Force met with the Honorable Allan Sullivan, the Attorney General for the Province of Nova Scotia, to discuss the legislative implications of the subject under study.

12. December 6, 1973 - Following the meeting with the Attorney General, the Task Force met to review the final report, draft two.

13. January 4, 1974 - Presentation of final report to the Honorable Harold M. Huskilson, Minister of Social Services.